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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,447	08/24/2001	Martin Kiesel	2000 P 23302 US	2223

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PATENT DEPARTMENT
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NEW YORK, NY 10036

EXAMINER

TRUONG, CAMQUY

ART UNIT	PAPER NUMBER
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2127

DATE MAILED: 11/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/938,447	Applicant(s) KIESEL ET AL.	
	Examiner Camquy Truong	Art Unit 2127	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/4/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-20 are presented for examination.
2. It is noted that although the present application does contain line numbers in the specification and claims, the line numbers in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the examiner and Applicant all future correspondence should include the recommended line numbering.

Claim Objections

3. Claims 4 and 14 are objected to because of the following informalities:
 - (a). As to claims 4 and 14, line 1, deleting "IK"; line 3, the word "ore" should be "or". Appropriate correction is required

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.
5. Claims 5, 7 and 11, are rejected under 35 U.S.C 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
 - A. The following terms lack proper antecedent basis:

- i. The telecommunication communication connection – claim 5;
- ii. The processing of the multimedia information – claim 7;
- iii. Said processor – claim 11.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 3-8, 10-11, 13-14, 18 and 20 are rejected under 35

U.S.C. 102(e) as being unpatentable over Zellner et al (U.S. 6, 567, 502 B2).

7. As to claim 1, Zellner teaches the invention substantially as claimed including: an apparatus for a control device for providing multimedia monitoring and control of a remote machine (col. 2, lines 55-60) comprising:

A processor (Emergency Service Center (ESC), col. 9, lines 13-15) that processes and communication of data with said remote machine (col. 2, line 53- col.3, line7; col. 4, lines 54-63; col. 6, lines 41-54); and

Multimedia information regarding a status of the remote machine (col. 3, lines 7-17; col. 4, lines 54-63); and

A multimedia connection coupled to said processors providing a multimedia transmission connection to the remote machine and transmitting said multimedia information regarding a status of the remote machine (col. 2, line 54-col. 3, line 1; col. 3, lines 8-17 and lines 20-35; col. 4, lines 54-63; col. 7, lines 27-30 and lines 39-47; col. 8, lines 35-49).

8. As to claim 11, it is rejected for the same reason as claim 1. In addition, Zellner teaches processing information generated by the remote machine (col. 6, lines 45-50);

Generating multimedia information regarding a status of the remote machine (col. 7, lines 44-55; col. 8, lines 52-57).

9. As to claims 10 and 20, Zellner teaches the communication between the respective components is carried out over the internet (col. 8, lines 35-38).

10. As to claims 3 and 13, Zellner teaches a visualization device that generates visualization information regarding the status of the remote machine (col. 7, lines 44-55; col. 8, lines 52-57).

11. As to claims 4 and 14, Zellner teaches an augmented reality device that generates the multimedia information from one or more senses of a user in the vicinity of the remote machine (col. 4, lines 64-67; col. 10, lines 3-6).

12. As to claims 5-6, Zellner teaches trace functionality transferred over the telecommunication link for real-time transmission of multimedia data connection (col. 5, line 49).

13. As to claim 7, Zellner teaches a data-processing device coupled remotely with said machine for controlling the processing of the multimedia information (col. 9, lines 13-25).

14. As to claims 8 and 18, Zellner teaches data-processing device encompasses multiple data-processing units which have communication connections to one another and which each have a telecommunication connection for real-time transfer of multimedia information to the control device (col.10, lines 3-22).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 2, 9,12, 15-17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zellner et al. (U.S.6, 567,502 B2) in view of Widegren et al (U.S. 6,374,112 B1).

16. As to claims 2, 9,12,15-16 and 19, Zellner does not explicitly teach the processor enables a UMTS connection. However, Widegren teaches the processor enables a UMTS connection (col.5, lines 29-31). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the Zellner and Widegren because Widegren's UMTS connection would increase the flexibility of Zellner 's system by providing a wide variety of mobile communications services and resources to support those services.

17. As to claim 17, Zellner teaches remotely processing the multimedia information (col. 3, lines 39-41; col.5, lines 50-51).

Conclusion

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Camquy Truong whose telephone number is (571) 272-3773. The examiner can normally be reached on 8AM – 5PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3756.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

Camquy Truong

October 25, 2004


MENG-AI T. AN
SUPERVISORY PATENT EXAMINER
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